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By:

Gina Simon



PATENT

Customer No. 22,852

Attorney Docket No. 04853.0081-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~VT & IRAC~~
In re Application of:

Atsuo ITO et al.

Application No.: 10/802,429

Filed: March 15, 2004

For: SUSPENSION OR PARTICLE-SOLVENT MIXTURE SYSTEM OF ZINC-CONTAINING CALCIUM PHOSPHATE MICROPARTICLES AND THERAPEUTIC AGENT FOR TREATING ZINC DEFICIENCY (as amended)

Group Art Unit: 1616

Examiner: Not Yet Assigned

Confirmation No.: 3532

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Applicants now respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed June 4, 2004. A copy of the Notice is enclosed.

The Notice indicates that the filing fee is missing. Please charge \$1,826.00 to Deposit Account 06-0916 for the following:

- 1) the statutory basic filing fee of \$770.00;
- 2) the required surcharge fee of \$130.00;
- 3) the total additional claim fees of \$506.00 for 12 claims over 20 (\$216.00);
and the multiple independent claim surcharge (\$290.00); and.
- 4) the Petition For Two (2) Month Extension of Time Fee of \$420.00.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 29, 2004

By: *Danielle Pasqualone*
Danielle M. Pasqualone
Reg. No. 43,847
Customer No. 22,852

10-01-04

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/802,429	03/15/2004	Atsuo Ito	04853.0081-01000

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
1300 I STREET, NW
WASHINGTON, DC 20005



CONFIRMATION NO. 3532

FORMALITIES LETTER



OC000000012865721

Date Mailed: 06/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$506 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1406 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$506

10/05/2004 HBERHE 00000024 060916 10802429
02 FC:1001 770.00 DA
03 FC:1031 130.00 DA
04 FC:1202 216.00 DA
05 FC:1203 290.00 DA

- \$216 for 12 total claims over 20.
- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE